

GENERAL REGULATIONS

§ 522.1 Applicability of regulations contained in this part.

(a) The regulations contained in this part are issued in accordance with section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of learners at wages lower than the minimum wage applicable under section 6 of the Act. That section, in pertinent part, reads:

The Administrator, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for (1) the employment of learners * * * under special certificates issued pursuant to the regulations of the Administrator, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Administrator shall prescribe * * *

(b) Such certificates shall be subject to the provisions hereinafter set forth and to such additional terms and conditions as may be established in supplemental regulations applicable to the employment of learners in particular industries issued pursuant to § 522.10.

[20 FR 646, Jan. 29, 1955]

§ 522.2 Definitions.

As used in the regulations contained in this part:

(a) A *learner* is a worker whose total experience in an authorized learner occupation in the industry within the past three years, except as otherwise provided in applicable supplemental regulations for a particular industry, is less than the period of time allowed as a learning period for that occupation in a learner certificate issued pursuant to the regulations in this part.

(b) An *experienced worker* is a worker whose total experience in an authorized learner occupation in the industry within the past three years, except as otherwise provided in applicable supplemental regulations for a particular industry, is at least equal to the period of time allowed as a learning period for that occupation in a learner certificate issued pursuant to the regulations in this part.

(c) *Experienced worker available for employment* means an experienced worker

residing within the area from which the plant customarily draws its labor supply or within a reasonable commuting distance of such area, and who is willing and able to accept employment in the plant; or an experienced worker residing outside of the area from which the plant customarily draws its labor supply, who has in fact made himself available for employment at the plant. A former experienced worker of a plant or its predecessor which has closed and moved its operations to another locality, who has made himself available for employment by the employer, shall also be considered an experienced worker available for employment.

(d) A *new plant* is a plant which has been in operation in a given industry for less than eight months subsequent either to its initial establishment in that industry or to its reopening after being out of operation for a period of more than eight months.

(e) An *expanding plant* is a plant whose labor force is being substantially increased by reason of an expansion program (1) Through the installation of additional production equipment; (2) through again placing into operation machinery which has been idle for a period in excess of 8 months; or (3) through adding an additional shift.

[20 FR 646, Jan. 29, 1955]

§ 522.3 Application for a learner certificate.

(a) Whenever the employment of learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment in a specified plant, an application for a certificate authorizing the employment of such learners at subminimum wage rates may be filed by the employer with the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. A copy of such application shall be filed simultaneously with the appropriate Regional Office of these Divisions. With respect to employees working in Puerto Rico or in the Virgin Islands, application shall be filed with the Territorial Director of the